

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JADA FERGUSON,

Plaintiff,

v.

CHANSE DAVY, JOHN ROWLEY,
and CLINTON COUNTY,

Defendant.

No. 4:17-CV-02136

(Judge Brann)

(Magistrate Judge Saporito)

ORDER

FEBRUARY 28, 2019

On November 21, 2017, Jada Ferguson initiated the above-captioned action against Chanse Davy, John Rowley, and Clinton County.¹ On March 20, 2018, Mr. Rowley and Clinton County moved² to partially dismiss Ms. Ferguson's Amended Complaint.³ On January 11, 2019, Magistrate Judge Joseph F. Saporito, Jr. issued a Report and Recommendation⁴ recommending that this Court grant the motion to dismiss but allow Ms. Ferguson to amend her complaint. On January 25, 2019, Ms. Ferguson objected to portions of that Report and Recommendation.⁵

¹ ECF No. 1.

² ECF No. 17.

³ ECF No. 14.

⁴ ECF No. 20.

⁵ ECF No. 21.

This Court has conducted a de novo review of the objected-to portions of the Report and Recommendation and finds that Ms. Ferguson's arguments have been adequately and accurately addressed by Magistrate Judge Saporito.⁶ Therefore, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Joseph F. Saporito Jr., ECF No. 20, is **ADOPTED IN ITS ENTIRETY**.
2. Defendants' Motion to Dismiss, ECF No. 17, is **GRANTED** as follows:
 - a. The request for punitive damages in Count II of Plaintiff's Amended Complaint, ECF No. 14 ¶¶ 21-32, is **DISMISSED WITH PREJUDICE**.
 - b. The remainder of Count II is **DISMISSED WITHOUT PREJUDICE**.
3. Within 28 days of the date of this Order, Plaintiff **MAY FILE** a Second Amended Complaint to correct the deficiencies identified by Magistrate Judge Saporito in Count II of Plaintiff's Amended Complaint.
4. This case is remanded to Magistrate Judge Saporito for further proceedings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge

⁶ This Court has the authority to refer certain motions to magistrate judges for dispositional recommendations. 28 U.S.C. § 636(b)(1). If a party objects to any portion of such a "Report and Recommendation," this Court must review that portion *de novo*. *Id.* Otherwise, this Court may accept a magistrate judge's recommendations if "there is no clear error on the face of the record." *Univac Dental Co. v. Dentsply Int'l, Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010).